

**Wittels  
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May 3, 2023

**Via ECF**

Honorable James L. Cott  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *Franck, et al. v. New York Health Care Inc. at al.*, Case No. 21 Civ. 4955 (GHW) (JLC)

Dear Judge Cott,

On behalf of Plaintiffs and the proposed FLSA Collective and Rule 23 Class we write with Defendants' consent to request a one-week extension to May 12, 2023, of Plaintiffs' deadline to file their supplemental conditional certification papers.

In accordance with the Court's Individual Rule I.E, the current deadline for Plaintiffs' papers is May 5, 2023. The reason for—and exigent the timing of—this adjournment request is that less than two hours ago Plaintiffs' counsel learned that a data analysis critical to Plaintiffs' conditional certification briefing (which analysis has been underway for multiple weeks), inadvertently included data that does not fall within the time-period relevant to the issues that will be presented to the Court. The inclusion of this additional data thus corrupts Plaintiffs' analysis and any conclusions that can be derived therefrom. Plaintiffs must therefore re-tool their analysis and need an additional week to complete it.

The undersigned spoke with defense counsel this evening by telephone and Defendants consent to Plaintiffs' request. This is Plaintiffs' first request for an extension of briefing deadlines on their supplemental conditional certification papers.

Plaintiffs' adjournment request will affect Defendants' deadline to respond to our conditional certification supplement (currently June 2, 2023) but because of the late hour defense counsel is not yet able to caucus and propose further scheduling adjustments. The parties will promptly contact the Court regarding the further necessary scheduling adjustments.

Thank you for the Court's consideration of this request.

Respectfully submitted,

/s/ J. Burkett McInturff  
J. Burkett McInturff

cc: All counsel of record (via ECF)